

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

JUL - 7 2015

David J. Bradley, Clerk

United States of America )

v. )

JOSE ARMANDO BAZAN )

YOB; 1979 USC )

Case No. M-15-1101-M

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 07/06/2015 in the county of Hidalgo in the Southern District of

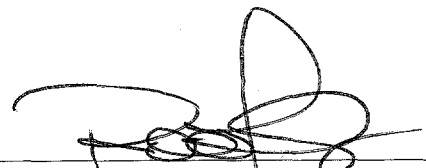
Texas, the defendant violated 21 U. S. C. § 841 and 846

, an offense described as follows:

Possession of a Controlled Substance with Intent to Distribute and Conspiracy to Sale/Manf/Distri a Controlled Substance in Penalty Group II. 21 USC 841 (a)(1), 21 USC 846

This criminal complaint is based on these facts:

See attachment

☒ Continued on the attached sheet.approved by  
J. S. K. R.
  
 Complainant's signature  
 Robert Flores, Special Agent TX DPS  
 Printed name and title

Sworn to before me and signed in my presence.

Date:

July 7, 2015 9:04 AM

City and state:

McAllen, Texas

  
 Judge's signature

Printed name and title

Peter E. Ormsby  
U.S. Magistrate Judge

On 7-6-2015, Texas Department of Public Safety (DPS) Criminal Investigations Division (CID) Special Agent Robert Flores received information regarding a suspicious commercial motor vehicle (CMV) possibly involved in narcotics trafficking. The suspected CMV was described as a red truck tractor bearing the company name of Direct Transport that would be arriving at the McAllen Produce Terminal at approximately 6:00 pm. TX DPS CID Special Agents set up surveillance at the McAllen Produce Terminal area and waited for the described CMV to arrive. At approximately 6:20pm, Special Agent Flores observed the described CMV arrive at the McAllen Produce Terminal with a male driver who was later identified as JOSE ARMANDO BAZAN. After being loaded with produce, the CMV departed the McAllen Produce Terminal. As the CMV is exiting the McAllen Produce Terminal, Special Agent Raul Ochoa observed a male passenger is now inside the CMV along with BAZAN. The CMV continues and proceeds to the US 83. Once at US 83, the CMV begins to travel east on US 83 and then travels north on US 281. The CMV then stops at the Flying J Truck stop for fuel. Afterwards, the CMV departs the Flying J Truck Stop and proceeds north on US 281 where the CMV arrives at the Falfurrias checkpoint. The CMV is referred to secondary inspection. It was observed that the male passenger is no longer with BAZAN. US Border Patrol and TX DPS CID Special Agents ask for and obtain verbal consent from BAZAN to search the CMV which BAZAN agrees to. A free air non-intrusive search conducted by a trained and certified US Border Patrol K-9 indicated a positive alert for the presence of narcotics at the front portion of the trailer underneath the reefer. Closer examination of the trailer revealed some "tooling" around the edges of trailer. Due to the X-ray machine at the Falfurrias Checkpoint not working, Special Agent Flores asked BAZAN if BAZAN would follow Special Agent Flores to the Hidalgo Port of Entry to utilize the X-ray machine there. BAZAN agreed to follow Special Agent Flores and was very cooperative.

BAZAN along with TX DPS CID personnel arrived at the Hidalgo Port of Entry. An X-ray of the trailer revealed anomalies at the front where the reefer is located. Special Agent Flores was informed that possible contraband was located within an aftermarket false wall towards the front of the trailer. Shortly thereafter, BAZAN confessed to Special Agent Jose Gomez knowledge of the contents within the false wall within the trailer as containing forty (40) kilograms of cocaine. Agents subsequently seized (40) forty kilogram sized bundles from within an aftermarket false compartment in the front wall of the refrigerated trailer just below the trailer's refrigeration unit, which had a gross weight of 46.9 kilograms. BAZAN was arrested for possession of a controlled substance. BAZAN was read his Miranda warnings and BAZAN waived his right to an attorney and agreed to cooperate. BAZAN stated that he had been transporting marijuana for the last couple of years, but just started working for a new organization moving cocaine. BAZAN stated that he built the compartment in the refrigerated semi-trailer himself and personally loaded the bundles of cocaine into the trailer at his residence.